THE CITY OF BOMBAY POLICE ACT, 1902.

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BOMBAY ACT No. IV OF 1902.[1]

[THE CITY OF BOMBAY POLICE ACT, 1902.]

[*9th July 1902.*]

Repealed in part, by Bom. 1 of 1910.

Repealed in part and amended by Bom. 2 of 1917 ;

" " " " " " " 11 of 1923.

Amended by Act 38 of 1920 ;
" " Bom. 4 of 1905 ;
" " " 5 of 1913 ;
" " " 3 of 1915 ;
" " " 6 of 1920 ;
" " " 18 of 1920 ;
" " " 5 of 1921 ;
" " " 12 of 1926 ;
" " " 11 of 1928 ;
" " " 21 of 1930 ;
" " " 21 of 1933 ;
" " " 20 of 1935 ;
" " " 1 of 1936 ;
" " " 21 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council,

Amended by Bom. 14 of 1938 ;
" " " *13 of 1941 ;
" " " †3 of 1942 ;
" " " ‡17 of 1945 ;
" " " §23 of 1945 ;
" " " ‖15 of 1946 ;
" " " 28 of 1946 ;
" " " ¶6 of 1947 ;
" " " 59 of 1947 ;
" " " 34 of 1948 ;
" " " 63 of 1948 ;
" " " 25 of 1949.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1902, Pt. VII, p. 49 ; for Report of Select Committee, *see ibid.*, 1902, Pt. VII, p. 58 ; and for Proceedings in Council, *see ibid.*, 1902, Pt. VII, pp. 157, 197 and 275.

* This Act was repealed and sections 2 and 3 thereof were re-enacted by Bom. 59 of 1947, s. 2.

† This Act was repealed and section 2 thereof was re-enacted by Bom. 59 of 1947, s. 2.

‡ This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

§ This Act was repealed and re-enacted with certain modifications by Bom. 53 of 1947. Amendments made by this Act came into force on the date on which the Act itself came into force in the Greater Bombay.

‖ Section 6 of this Act is as follows :—

Saving of directions made under section 27 (2A) of Bom. IV of 1902.—Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act under sub-section (*2A*) of section 27 of the City of Bombay Police Act, 1902, prohibiting the entry of any person into the Thana District, and a contravention of such direction shall be deemed to be a contravention of a direction made by the Magistrate of the Thana District under sub-section (*4*) of section 46 of the Bombay District Police Act, 1890.

Bom. IV of 1902.

Bom. IV of 1890.

¶ This Act shall remain in force for a period of three years.

An Act to amend law relating to [1][the Greater Bombay Police].

WHEREAS it is expedient to amend and consolidate the law relating to the Police in the City of Bombay.

AND WHEREAS the previous sanction of His Excellency the Governor General, required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act ;- 55 and 56 Vict., c. 14.

It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. (*1*) This Act may be cited as the City of Bombay Police Act, 1902.

Local extent.

(*2*) Sections 27, [2]* 62, 68, 97, 99, 101, [3][102 [4]and 110-A] extend to the whole of the Presidency of Bombay.

(*3*) The rest of the Act extends only to [5][the Greater Bombay].

Repeal of enactments.

2. (*1*) The enactments mentioned in Schedule A are repealed to the extent specified in the fourth column of the said Schedule.

(*2*) All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding provisions of this Act.

Saving of Appointments, etc.

(*3*) All rules prescribed, appointments made, powers conferred and orders and certificates issued under any enactment hereby repealed shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued thereunder.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*a*) the phrases "complaint," "investigation," "offence," "cognizable offence," "non-cognizable offence," "bailable offence" and "non-bailable offence" shall respectively have the meanings assigned thereto by the Code of Criminal Procedure ; V of 1898.

(*b*) "Police officer" shall mean any member of the Police force for [5][the Greater Bombay] appointed under this Act, and shall include the Commissioner of Police, a Deputy or Assistant Commissioner of Police, and subject to the provisions of sub-section (*2*) of sections 9 and 10, an additional or special Police officer ;

(*c*) "officer in charge of a section" shall include, when the Inspector in charge of the section is absent or unable from illness or other cause to perform his duties, the next senior Police officer in the section, or such other officer as the Superintendent of the Division may subject to the sanction of the Commissioner of Police, appoint in that behalf ;

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[1] These words were substituted for the words "the Bombay City Police" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] The figures "28" were repealed by Bom. 11 of 1923, s. 13 (*1*), (*a*).

[3] The words, figures, letters and brackets "102, 110A and sub-section (*3*) of section 126A" were substituted for the words and figures "and 102" by s. 2 (*b*) of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).

[4] The word, letter and figures "and 110A" were substituted for the words, letters and figures "110-A and sub-section (*3*) of section 126-A" by Bom. 11 of 1923, s. 13 (*i*) (*a*).

[5] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(*d*) [1]" cattle " shall, besides horned cattle, include elephants, camels, horses, mares, geldings, ponies, colts, fillies, asses, mules, sheep, lambs, rams, ewes, goats, kids and swine ;

(*e*) " prescribed " shall mean prescribed by any rules made under this Act ;

(*f*) " sign " shall, with reference to a person who is unable to write his name, include " mark " ;

(*g*) " place of public amusement " shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted [2]* * * and shall include a race-course, circus, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school ;

(*h*) " place of public entertainment " shall mean any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ;

and shall include a refreshment-room, eating house, coffee-house, liquor-house, boarding house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang, or opium shop ;

(*i*) " street " shall mean any road, footway, square, court, alley or passage, whether a thoroughfare or not, to which the public have permanently or temporarily a right of access ;

(*j*) " public place " shall include the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for purposes of recreation ;

(*k*) " vehicle " shall mean any carriage, cart, van, dray, truck, hand-cart or other wheeled conveyance of any description capable of being used on the streets of [3][the Greater Bombay] and shall include a bicycle, tricycle or automotor car ;

[4](*l*) the expressions " appointment " and " removal ", with their respective grammatical variations used in relation to an office shall, when also used with reference to any member of the Indian Police, be construed to mean respectively, appointment to, and transfer from, the said office ;

[5][(*m*) " subordinate ranks " shall mean any ranks below that of Deputy Superintendent.]

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[1] *Cf.* definition in the Cattle Trespass Act, 1871 (1 of 1871). Central Acts.

[2] The words " otherwise than for a *bona fide* charitable purpose ; " were repealed by s. 2 of the City of Bombay Police (Amendment) Act, 1917 (Bom. 2 of 1917).

[3] These words were substituted for the words " the City " by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[4] Clause (*l*) was added by Bom. 20 of 1935, s. 8.

[5] Clause (*m*) was inserted by the Adaptation of Indian Laws Order in Council.

CHAPTER II.

OF THE POLICE FORCE, AND ADDITIONAL AND SPECIAL POLICE.

Constitution of Police Force.

4. For [1][the Greater Bombay] there shall be a Police force, the strength and constitution of which shall be as may [2]* * * * from time to time be ordered by the [3][Provincial Government].

Direction and supervision of police force to vest in Commissioner of Police.

5. The direction and supervision of the said Police force shall, subject to the control of the [3][Provincial Government], be vested in an officer to be styled the Commissioner of Police for [1][the Greater Bombay],[4]* * *

Appointment of Deputies and Assistants to the Commissioner of Police.

6. (*1*) The [3][Provincial Government] may from time to time appoint one or more Deputy Commissioners of Police and one or more Assistants to the Commissioner of Police. [5]* * * *

Powers of Deputy and Assistant Commissioners and Superintendents.

(*2*) Every such Deputy Commissioner shall be competent to exercise and perform, under the orders of the Commissioner of Police, any of the powers conferred upon and duties assigned to the Commissioner of Police by or under this Act or any other enactment; and every such Assistant Commissioner [6][and a Superintendent appointed under section 7 (*1*)] shall exercise such powers and perform such duties as may from time to time be delegated or assigned to him by the Commissioner of Police;

Provided that the powers conferred upon the Commissioner of Police by sections 22 and 56 shall not be exercisable by a Deputy or Assistant Commissioner [6][or Superintendent] under this sub-section.

Power to dismiss, discharge, reduce, suspend, fine and confine in a police station.

7. [7](*1*) [*Power to appoint and promote.*]

(*2*) The Commissioner of Police may, subject to such rules and in accordance with such procedure as the [3][Provincial Government] may from time to time prescribe in this behalf, at any time—

(*a*) dismiss, discharge, reduce, suspend, or to the extent of half a month's pay fine, any member [8][of the subordinate ranks of

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[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] The words "with the sanction of the Government of India" were repealed by s. 3 and Sch. II, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. I of 1910).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "who shall from time to time be appointed by the Governor in Council and may be removed by the same authority" were omitted, *ibid.*

[5] The words "Any Deputy or Assistant Commissioner so appointed may be at any time removed by order of the Governor in Council," were omitted, *ibid.*

[6] These words, figures and brackets were inserted by s. 2 of the City of Bombay Police (Second Amendment) Act, 1920 (Bom. 18 of 1920).

[7] Sub-section (*1*) was omitted by the Adaptation of Indian Laws Order in Council.

[8] These words were substituted for the words "of the Police force other than a Deputy or Assistant Commissioner", *ibid.*

the Police force] for neglect or violation of duty, or for any breach of any rules or orders issued by him under this Act, or for gross misconduct while on leave; or

(*b*) punish by confinement in a police station for a period not exceeding three days any member of the Police force below the rank of Havaldar who is in his presence grossly insubordinate or insolent:

[1]* * * * *

(*3*) Nothing in sub-section (*2*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged. Saving clause.

8. (*1*) Every Police officer [2][belonging to the subordinate ranks of the Police force] shall, on appointment, receive a certificate in the form of Schedule B under the signature of the Commissioner of Police and shall, in virtue of such certificate, be vested with the powers, functions, privileges and responsibilities of a Police officer. Certificates to be given to Police officers belonging to the subordinate ranks of the Police force.

(*2*) Every certificate shall become null and void whenever the person named therein ceases, for any reason, to belong to the Police force.

(*3*) The powers, functions and privileges invested in a Police officer shall be temporarily suspended whilst such Police officer is suspended from office. Such Police officer shall not, by reason of such suspension, cease to be a Police officer, but shall continue subject to the same responsibilities and disabilities, and subject to the same authorities, as if no such suspension had taken place. Effect of suspension of Police officer.

9. (*1*) The [3][Provincial Government] may [4]* * * appoint, for such time and on such pay, and of such rank or grade, as [5][it] shall think fit, additional Police officers to keep the peace or preserve order at any place, or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,— Power to appoint additional Police officers.

(*a*) on the application of any person, at the charge of such person, or

(*b*) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on.

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[1] The proviso to sub-section (*2*) was omitted by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "appointed by the Commissioner of Police", *ibid.*

[3] The words "Provincial Government" were substituted for the words "Commissioner of Police", *ibid.*

[4] The words "in his discretion" were omitted, *ibid.*

[5] The word "it" was substituted for the word "he", *ibid.*

(*2*) Every additional Police officer so appointed shall, on appointment,—

(*a*) receive a certificate in the prescribed form ;

(*b*) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate ; and

(*c*) be subject to the orders of the Commissioner of Police.

Notice to be given for discontinuance.

(*3*) In any case in which such Police officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the Commissioner of Police of such notice or on the expiry of such shorter period as the Commissioner of Police may fix, the appointment of such Police officers shall cease.

Payments to be accounted for.

(*4*) All moneys received by the Commissioner of Police for the payment of any such additional Police officers shall be accounted for by him.

Disputes as to payment of cost.

(*5*) In the event of any dispute in any case under this section the decision of the Chief Presidency Magistrate shall be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Commissioner of Police, be recovered by the Collector from such person as an arrear of land revenue.

Employment of additional Police in cases of special danger to public peace.

[1][**9A.** (*1*) The Provincial Government may from time to time, by notification in the *Official Gazette*, direct the employment of additional police for such period as it shall think fit in any area in Greater Bombay which appears to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants, in its opinion, renders it expedient temporarily to increase the strength of the police.

(*2*) The Provincial Government may require—

(*a*) in the City of Bombay, the Municipal Commissioner, the Collector or any other authority,

(*b*) in an area outside the City of Bombay but within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in an area outside the City of Bombay and not within the limits of a municipality, the Collector or any other authority,

to recover either in whole or in part the cost of such additional police and where the Municipal Commissioner or the municipality is required to recover such cost an additional sum not exceeding three per cent. of the amount of such cost, generally from all persons who are inhabitants of the area to which such notification applies or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the Provincial Government may direct.

(*3*) (*i*) The Provincial Government may require the Municipal Commissioner to recover such cost and the additional sum by an addition to the general tax which shall be imposed and levied in all or such of the

[1] Section 9A was inserted by Bom. 59 of 1947, s. 4 (*1*).

municipal wards, sub-wards or sections thereof, as the Provincial Government may direct. Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 of the City of Bombay Municipal Act, 1888, shall apply to any such addition as if it were part of the general tax levied under the said Act.

Bom. III of 1888.

(*ii*) The Provincial Government may also require the Municipal Commissioner to recover such cost and the additional sum from each person liable therefor under sub-section (*2*) in such manner as the Provincial Government may direct.

(*4*) The Provincial Government may require a municipality outside the City of Bombay to assess and recover such cost and the additional sum by a tax or by a rate which the municipality shall impose and levy from such persons, sections or classes of persons and in such proportions as the Provincial Government may direct. Every tax or rate so imposed and levied shall be recovered by such municipality from each person liable therefor in the same manner as a municipal tax due by him :

Provided that where a municipality makes default in imposing and levying any such tax or rate or in making any such recovery, the Provincial Government may direct the Collector to impose and levy such tax or rate or to make such recovery.

Every such tax or rate imposed and levied by the Collector shall be recoverable by the Collector as if it were an arrear of land revenue due by the person liable therefor.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the Provincial Government by order to exempt any person from liability to bear any portion of the cost of such additional police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by the municipality under sub-section (*3*) or (*4*) whether before or after the coming into operation of the Bombay District Police and the City of Bombay Police (Amendment) Act, 1947, the amount of cost shall be paid to the Provincial Government and the balance, if any, shall be credited to the municipal fund constituted under section 111 of the City of Bombay Municipal Act, 1888, or section 51 of the Bombay District Municipal Act, 1901, or section 65 of the Bombay Municipal Boroughs Act, 1925, as the case may be. Such amount of cost shall be paid to the Provincial Government every three months.

Bom. LIX of 1947. Bom. III of 1888. Bom. III of 1901. Bom. XVIII of 1925.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.]

10. (*1*) The Commissioner of Police, of his own authority, may at any time appoint any able-bodied male person between the ages of 18 and 55 to be a special Police officer to assist the Police force on any occasion when he has reason to apprehend the occurrence of any riot or grave

Appointment of special Police officers.

disturbance of the peace and he is of opinion that the ordinary Police force is not sufficient for the protection of the inhabitants and for the security of property.

(*2*) Every special Police officer so appointed shall, on appointment,—

(*a*) receive a certificate in the prescribed form ;

(*b*) have the same powers, privileges and protection as a Police officer ;

(*c*) perform all such duties as may be assigned to him by the Commissioner of Police ; and

(*d*) be subject to the orders of the Commissioner of Police.

Refusal to serve or perform duties.

(*3*) Any person who having been appointed a special Police officer under this section shall, without sufficient excuse, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Constitution of divisions and section.

11. (*1*) Subject to the control of the [1][Provincial Government], the Commissioner of Police shall—

(*a*) constitute within [2][the Greater Bombay] such and so many Police divisions,

(*b*) sub-divide the same into so many and such sections, as to him shall seem fit, and

(*c*) define the limits and extent of such divisions and sections.

Officers in charge of divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each such section shall be in charge of an Inspector of Police.

Power of Commissioner of Police to issue orders as to organization, etc.

12. Subject to the control of the [1][Provincial Government], the Commissioner of Police may issue such orders as he may deem expedient—

(*a*) relating to the recruitment, organisation, instruction, classification, discipline and general government of the force ;

(*b*) determining the description and quantity of the arms, accoutrements and other necessaries to be furnished to the Police ; and

(*c*) providing for the institution, management, and regulation of any Police fund.

Power of Commissioner of Police to make rules regulating duties of Police officers, etc.

13. (*1*) Subject to the control of the [1][Provincial Government], the Commissioner of Police may make rules not inconsistent with this Act, or with any other enactment for the time being in force,—

(*a*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(*b*) prescribing the places of residence and the location of members of the force ;

(*c*) regulating or restricting the collection and communication of intelligence and information ; and

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, sec. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(*d*) prescribing the forms of certificates to be received by additional Police officers and special Police officers.

(*2*) A copy of the rules for the time being in force under this section shall be kept in every Police station.

No Police officer to resign or withdraw without permission or previous notice.

14. (*1*) No Police officer shall resign his office or withdraw himself from the duties thereof without the written permission of the Commissioner of Police[1] and, except in the case of a special Police officer, until, save with such permission,—

(*a*) the expiration,—

(*i*) if such member be a member of the mounted Police, of six months, or,

(*ii*) in any other case, of two months,

after written notice of his intention so to do has been received from him by the Commissioner of Police ; and

(*b*) he has fully discharged any debt due by him as a Police officer to [2][the Crown] or to any Police fund.

(*2*) A Police officer, who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, shall be deemed, within the meaning of this section, to withdraw himself from the duties of his office :

Saving in case of disease, etc.

Provided that if any Police officer produces a certificate, signed by the Police Surgeon or by a medical officer holding a gazetted appointment under [2][the Crown], declaring such Police officer to be unfit by reason of any disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging, or giving security satisfactory to the Commissioner of Police for the payment of, [1]any such debt as aforesaid due from such Police officer.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer.

15. (*1*) Every person appointed under this Act to be a member of the Police force shall, on ceasing to be a member thereof, forthwith deliver up to the Commissioner of Police, or to such person and at such place as he may direct,—

(*a*) his certificate, and

(*b*) all clothing, arms, accoutrements and other necessary articles furnished to him for the execution of his duty.

Warrant for seizure of same.

(*2*) The Commissioner of Police or any Magistrate may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessary articles not delivered up as required by sub-section (*1*).

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[1] The Police (Resignation of Office) Ordinance, 1942 (Ordinance No. 11 of 1942), which provided that in section 14 of the City of Bombay Police Act, 1902, in sub-section (*1*), the words beginning with "and except in the case of a special Police officer" and ending with the end of the sub-section shall be omitted and in sub-section (*2*), for the words "any such debt as foresaid due from such Police officer" the words "any debt due by him as a Police officer to the Crown or to any Police fund" shall be substituted, ceased to be in force with effect from the 1st day of October 1946 by operation of the provisions of section 102 (*4*) read with section 311 (*6*) of the Government of India Act, 1935. The original portion in sub-sections (*1*) and (*2*) has, therefore, been restored.

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*3*) Every warrant so issued shall be executed in accordance with the provisions of this Act by a Police officer or, if the authority issuing the same so directs, by any other person.

Exception in case of private property.

(*4*) Nothing in this section shall be deemed to apply to any article which under the orders of the Commissioner of Police, has become the property of the person to whom the same was furnished.

Police officer to be deemed always on duty.

16. Every Police officer not on leave or under suspension shall for all the purposes of this Act be deemed to be always on duty throughout [1][the Greater Bombay].

Conditions of service.

[2][**16A.** Save as otherwise provided by or under this Act, and subject to any law for the time being in force, all matters relating to the recruitment, pay, allowances and other conditions of service of police officers [3][of the subordinate ranks] shall be regulated by the Bombay Civil Services [4][Rules or such other rules as may from time to time be made by the Provincial Government].]

Police officer prohibited from other employment.

17. No Police officer other than a special Police officer shall, without the permission of the [5][Provincial Government], either as principal or agent,—

(*a*) engage in any trade,

(*b*) be in any way concerned in the purchase or sale of any immovable property within [1][the Greater Bombay] or of any interest therein, or

(*c*) hold any office or practise any profession or engage in any employment whatever other than his office or duties as such Police officer:

Offences by Police officers.

18. Any Police officer who,—

(*a*) contravenes any provision of section 17,

(*b*) is guilty of cowardice,

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of section 14,

(*d*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which it is his duty as such Police officer to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officers.

19. Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches, or causes to be entered or searched, any building, vessel, tent or place,

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[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, sec. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] This section was inserted by Bom. 20 of 1935, s. 9.

[3] These words were substituted for the words "of and below the grade of the Inspector" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the words "Rules for the time being in force", *ibid.*

[5] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

(*b*) vexatiously and unnecessarily seizes the property of any person,

(*c*) vexatiously and unnecessarily detains, searches or arrests any person,

(*d*) vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person,

(*e*) offers any unnecessary personal violence to any person in his custody, or

(*f*) holds out any threat or promise not warranted by law to an accused person,

shall for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

False statement to obtain employment.

20. Any person who knowingly makes a false statement or uses a false document for the purpose of obtaining for himself or any other person employment or release from employment as a Police officer, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Saving in regard to District and Railway Police.

III of 1888.

21. Subject to the provisions of the [1]Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the [2][Provincial Government], nothing in this Chapter shall be deemed to affect any officers of the District or Railway Police employed within the limits of [3][the Greater Bombay] on Police functions connected with the administration of any district or railway, as the case may be, and any such Police officer shall in the discharge of such functions be vested with the powers and privileges, and be subject to the liabilities, of a Police officer of the establishment to which he belongs.

CHAPTER III.

POLICE REGULATIONS.

Rules for preservation of order.

Power to make rules for regulation of traffic and for preservation of order in public places, etc.

22. (*1*) [4][In the case of rules under [5]clauses (*b*) and (*c*)], subject to the control of the [2][Provincial Government], and in other cases] with the previous sanction of the [2][Provincial Government], the Commissioner of Police may from time to time make, alter or rescind rules not inconsistent with this Act,—

(*a*) for licensing and controlling persons offering themselves for employment at quays, wharves and landing-places, and outside

[1] Central Acts.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, section 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[4] These words were inserted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[5] The words, letters and brackets "clauses (*b*) and (*c*)" were substituted for the words, letter and brackets "clause (*b*)" by Bom. 21 of 1930, s. 3.

Railway stations, for the carriage of passengers' baggage, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and public places, and regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*e*) prescribing, subject to any notice issued by the Municipal Commissioner under clause (*c*) of section 441 of the City of Bombay Municipal Act, 1888, the roads along which, and the hours during which, corpses may, or may not, be carried ; Bom. III of 1888.

(*f*) for licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting,—

(*i*) the keeping of places of public amusement or entertainment,

(*ii*) the playing of music in streets and public places,

[1][(*iia*) the using of a loud-speaker in any public place or place of public entertainment],

(*iii*) the illumination of streets and public places and the exteriors of buildings abutting thereon by persons other than [2][servants of the Crown or Municipal officers] duly authorized in that behalf,

(*iv*) the carrying in streets and public places of gunpowder or any other explosive substance, and

(*v*) the blasting of rocks ;

(*g*) regulating the means of entrance and exit at places of public amusement, entertainment and assembly, and providing for the maintenance of public safety and the prevention of disturbance therein [3]* ;

[4][(*gg*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement] ;

(*h*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Saving of provisions of Bombay Abkari Act and other enactments.

Provided, [5]* * * that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating

[1] Clause (*iia*) was inserted by Bom. 34 of 1948, s. 3. (*1*).

[2] These words were substituted for the words "Government or Municipal officers", *ibid.*

[3] The word "and" was deleted by Bom. 59 of 1947, s. 4 (*2*) (*i*).

[4] Clause (*gg*) was inserted, *ibid*, s. 4 (*2*) (*ii*).

[5] The word "*firstly*" was deleted *ibid*, s. 4 (*2*) (*iii*).

drug, in respect of which a licence, permit or pass is required under the Bombay Abkari Act, 1878, or under any other law for the time being in force relating to the Abkari revenue, or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the [1]Arms Act, 1878, or of the [1]Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. V of 1878. XI of 1878. IV of 1884.

[2]* * * * * * *

Provisions as to publication of rules.

(*2*) The power of making, altering or rescinding rules under sub-section (*1*) shall be subject to the condition of the rules being made, altered or rescinded after previous publication in the manner specified in section 23 of the [1]General Clauses Act, 1897, and every rule made, or alteration or rescission of a rule made, under the said sub-section and sanctioned by the [3][Provincial Government], shall be published in the [4][*Official Gazette*] and in the manner specified in section 137.

X of 1897.

Power of Commissioner of Police to prohibit keeping of place of public amusement or entertainment.

(*3*) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the Commissioner of Police to refuse a licence for, or to prohibit, the keeping of any place of public amusement or entertainment by a person of notoriously bad character,

Special Orders.

Powers of Commissioner of Police and of other officers to give directions to the public.

23. (*1*) The Commissioner of Police and, subject to the orders of the Commissioner of Police, every Police officer not inferior in rank to an Inspector may, from time to time as occasion may require, but not so as to contravene any rule under the preceding section, give all such orders either orally or in writing as may be necessary to—

(*a*) direct the conduct of, and behaviour or action of persons constituting, processions and assemblies in streets ;

(*b*) prescribe the routes by which and the times at which any such processions may, or may not, pass ;

(*c*) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of public worship, and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(*d*) keep order on and in all streets, quays, wharves, landing-places and all other public places or places of public resort ;

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[1] Central Acts.

[2] The second proviso was deleted by Bom. 59 of 1947, s. 4 (*2*) (*ii*).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*e*) regulate and control music or singing in any street or public place, and the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ; [1]*

[2](*f*) * * * * * * *

Power to give prohibitions for prevention of disorder.

(*2*) The Commissioner of Police may also, whenever and for such time as he shall consider necessary for the preservation of the public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit—

[3][(*a*) the carrying in any public place of—

(*i*) swords, spears, bludgeons, guns, knives, sticks or lathis, or

(*ii*) any other weapon which is capable of being used as a weapon of offence ;] [4][or

(*iii*) any corrosive substance ; or

(*iv*) any explosive] ;

[5][and if any person goes armed with any such weapon or carries any corrosive substance or explosive in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive shall be liable to be seized from him by any Police officer and the weapon or corrosive substance or explosive so seized shall be forfeited to the Provincial Government] ;

(*b*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles ;

(*c*) the exhibition of persons or of corpses, or figures, or effigies, in any public place ;

(*d*) the public utterance of cries, singing of songs, playing of music ; and

(*e*) the delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards, or of any other object or thing, which may be of a nature to outrage morality or decency, or which, in the opinion of the Commissioner of Police, may probably inflame religious animosity or hostility between different classes, or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

Power to prohibit assembly or procession.

(*3*) The Commissioner of Police may also by order in writing prohibit any assembly or procession whenever and for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety :

Provided that no such prohibition shall remain in force for more than seven days without the sanction of the [6][Provincial Government].

Power to reserve street or public place for public purpose.

(*4*) The Commissioner of Police may also, [7]* * * by public notice, temporarily reserve for any public purpose any street or public place, and prohibit persons from entering the area so reserved, save under such conditions as may be prescribed by the Commissioner of Police.

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[1] The word "or" was deleted by Bom. 34 of 1948, s. 3 (*2*).

[2] Clause (*f*) was deleted, *ibid*.

[3] This clause was substituted for the original by Bom. 3 of 1942, s. 2, read with Bom. 59 of 1947, s. 2 (*2*).

[4] These words, brackets and figures were inserted by Bom. 6 of 1947, s. 28 (*2*).

[5] This portion was added by Bom. 59 of 1947, s. 4 (*3*).

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[7] The words "subject to the orders of the Governor in Council" were repealed by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

Power of Commissioner of Police to prohibit, etc., continuance of music, sound or noise.

[1][23A. (*1*) If at any time the Commissioner of Police is satisfied from the report of an officer in charge of a section or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating,—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance, apparatus or contrivance which is capable of producing sound,

or

(*b*) the carrying on, in or upon any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) Any order made under sub-section (*1*) shall be served in the manner provided for the service of summons by sections 89 to 91.

(*3*) The Commissioner of Police may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the Commissioner of Police shall afford to the applicant an opportunity of appearing before him either in person or by pleader and showing cause against the order, and shall, if he rejects any such application either wholly or in part, record his reasons for such rejection.]

Issue of orders by Commissioner of Police for prevention of riot, etc.

24. (*1*) In order to prevent or suppress any riot or grave disturbance of the peace, the Commissioner of Police may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner of Police may make and notify in the exercise of the authority hereby vested in him.

Compensation to lawful occupier of building or place closed or taken possession of by Commissioner of Police.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action of the Commissioner of Police under this section, he shall be entitled, on application made to the Commissioner within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of the Commissioner of Police rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled by Chief Presidency Magistrate.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

[1] Section 23A was inserted by Bom. 34 of 1948, s. 3 (*3*).

Issue of orders for maintenance of order at religious ceremonials, etc.

25. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to the Commissioner of Police that a dispute or contention exists which is likely to lead to grave disturbance of the peace, the Commissioner of Police may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the section or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Commissioner of Police that it is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to prevent disorder at places of public amusement, etc.

26. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, the Police officer of highest rank, superior to that of Havaldar, present [1][at] such place of public amusement [2]* * or such assembly or meeting [3]* * * may, subject to such rules and orders as may have been lawfully made, give such reasonable directions, as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of persons attending [4][and the maintenance of the public safety] at, such place or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of public amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Dispersal of gangs and bodies of persons.

27. (*1*) Whenever it shall appear to the Commissioner of Police

Removal of persons from the Greater Bombay.

[5][(*a*) that the movements or acts of any person in [6][the Greater Bombay] are causing or calculated to cause alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence, or an offence punishable under Chapters XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of the

XLV of 1860.

[1] This word was substituted for the words "in the section in which" by s. 2 (*a*) of the Bombay District and City Police (Amendment) Act, 1913 (Bom. 5 of 1913).

[2] The words "is situate" were repealed by s. 2 (*b*), *ibid.*

[3] The words "is to be held" were repealed, *ibid.*

[4] These words were inserted by s. 2 (*c*), *ibid.*

[5] Clauses (*a*) and (*b*) were substituted for the original words by Bom. 14 of 1938, s. 2 (*1*) (*i*).

[6] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

Commissioner witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property ; or

(*b*) that an outbreak of epidemic disease is likely to result from the continued residence in [1][the Greater Bombay] of an immigrant ;

the Commissioner of Police [2]* * * may, by [3][an order in writing duly served on him or] beat of drum or otherwise as he thinks fit, direct [4][such person or immigrant] so to conduct [5][himself] as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to [6]* * remove [5][himself] [7][outside the Province or to such place within the Province and by such route], and within such time, as the Commissioner of Police shall prescribe [8][and not to enter the Province or, as the case may be, the Greater Bombay].

Removal of convicted beggars.

(*2*) It shall also be competent to the Commissioner of Police to direct the removal [9][and prohibit the entry] in like manner of any person who has been twice convicted of an offence under section [10][6, 9 or 23 of the Bombay Beggars Act, 1945,] [11][or under the Bombay Prevention of Prostitution Act, 1923] [12][or of any person who has been thrice convicted within a period of three years of an offence punishable either under section 4 or section 12A of the Bombay Prevention of Gambling Act, 1887] or [13][under the Bombay Prohibition Act, 1949] or the Dangerous Drugs Act, 1930.]

Removal of persons convicted of certain offences.

[14][(*2A*) It shall be further competent to the Commissioner of Police to direct any person who, not having been born in [15][the Greater Bombay] [16]* * * * has been convicted [17][of any offence] punishable [18][under—

(*i*) Chapter XII, XVI or XVII of the Indian Penal Code,

[19][(*ii*) section 65 or 68 of the Bombay Prohibition Act, 1949,]

(*iv*) Chapter III of the Dangerous Drugs Act, 1930, or

(*v*) section 4 or 12A of the Bombay Prevention of Gambling Act, 1887,]

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[1] These words were substituted for the word " the city " by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[2] The words " with the sanction of the Governor in Council " were repealed by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] These words were inserted by Bom. 14 of 1938, s. 2 (*1*) (*iv*).

[4] These words were substituted for the words " the members of such gang or body or such immigrants ", *ibid.*, s. 2 (*1*) *ii*).

[5] This word was substituted for the word " themselves ", *ibid.*, s. 2 (*1*) (*iii*).

[6] The words " disperse and " were deleted, *ibid.*, s. 2 (*1*) (*v*).

[7] These words were substituted for the words " to such place or places, by such route or routes " by Bom. 15 of 1946, s. 2 (*a*).

[8] These words were added by Bom. 34 of 1948, s. 3 (*4*) (*a*).

[9] These words were inserted, *ibid.*, s. 3 (*4*) (*b*).

[10] These figures and words were substituted for the figures " 121 " by Bom. 23 of 1945, s. 34 (*1*) (*i*) read with Bom. 53 of 1947, s. 2.

[11] These words and figures were inserted by Bom. 34 of 1948, s. 3 (*4*) (*b*).

[12] These words, figures and letter were added by Bom. 1 of 1936, s. 11.

[13] These words and figures were substituted for the original by Bom. 25 of 1949, s. 148 and Sch. II.

[14] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 21 of 1933, s. 2 (*i*).

[15] These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[16] The words " or the Bombay Suburban District " were deleted, *ibid.*

[17] These words were substituted for the words " more than twice of offences " by Bom. 15 of 1946, s. 2 (*b*).

[18] This portion was substituted for the original by Bom. 63 of 1948, s. 3.

[19] This clause was substituted for clauses (*i*) and (*iii*) by Bom. 25 of 1949, s. 148 and Sch. II.

to remove himself in like manner from [1][the Greater Bombay] and not to enter [2][the Greater Bombay] [3]* * * *

Decision of the Commissioner of Police regarding the place of birth final.

[4][(*2B*) For the purpose of sub-section (*2A*), the decision of the Commissioner of Police that a person has or has not been born in [1][the Greater Bombay] [5]* * shall be final.]

Proclamation of emergency.

[6][(*2C*) (*i*) The Provincial Government may, if satisfied that the public peace or tranquillity in [1][the Greater Bombay] or in any part thereof is disturbed or is likely to be disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions, declare, by a proclamation (hereinafter referred to as " the proclamation of emergency ") in the *Official Gazette* that an emergency exists.

(*ii*) A proclamation of emergency—

(*a*) may at any time be revoked by a subsequent proclamation, and

(*b*) shall cease to operate at the expiration of one month, unless before the expiration of that period it has been renewed.

(*iii*) After the Provincial Government has issued under clause (*i*) a proclamation of emergency, the Commissioner of Police, whenever it appears to him that the presence, movements or acts of any person in [1][the Greater Bombay] is or are causing or calculated to cause danger or alarm, or that a reasonable suspicion exists that designs, calculated to disturb public peace or tranquillity are entertained by such person, may—

[7][(*1*) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person—

(*a*) so to conduct himself as the Commissioner of Police shall deem necessary in order to prevent the disturbance of the peace,

or

(*b*) to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Commissioner of Police shall prescribe, [8][and not to enter the Province or, as the case may be, the Greater Bombay],

or

(*2*) by an order in writing direct that he be detained for a period not exceeding fifteen days at a time :

Provided that the total period of detention shall not without the order of the Provincial Government in any case exceed two months :

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[1] These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] These words were substituted for the words " the said City ", *ibid.*

[3] The words " and if such person was not born in the Thana District, not to enter the Thana District also. A copy of such direction shall be forwarded to the Magistrate of the Thana District " were deleted by Bom. 15 of 1946, s. 2 (*b*).

[4] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 21 of 1933, s. 2 (*i*).

[5] The words "or the Thana District" were deleted by Bom. 15 of 1946, s. 2 (*c*).

[6] This sub-section was inserted by Bom. 14 of 1938, s. 2 (*2*).

[7] This portion was substituted for the original by Bom. 15 of 1946, s. 2 (*d*).

[8] These words were added by Bom. 34 of 1948, s. 3 (*4*) (*c*).

Provided further that any order made under this clause shall cease to have effect on the proclamation of emergency ceasing to operate.]

[1][(*iv*) The Commissioner of Police shall forthwith submit to the Provincial Government a copy of every order of detention made under clause (*iii*) together with the grounds on which it is made.

(*v*) So long as there is in force in respect of any person an order of detention passed under clause (*iii*), he shall be liable to be detained in such place and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Provincial Government may from time to time prescribe by rules made in this behalf.]

Procedure on failure of persons to leave Greater Bombay and his entry therein after removal.

[2][(*3*) If a person to whom a direction has been issued under this section to remove himself from Greater Bombay—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the Commissioner of Police, enters Greater Bombay—

(*a*) if the direction was issued under sub-section (*1*), within two years from the date of his removal,

(*b*) if the direction was issued under sub-section (*2*) or (*2A*), at any time,

(*c*) if the direction was issued under sub-section (*2C*) during the continuance of the proclamation of emergency,

the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Greater Bombay as he may in each case prescribe.

(*3A*) Notwithstanding anything contained in sub-section (*3*) any person [3][(*i*) who enters] Greater Bombay in the circumstances specified in clause (*ii*) thereof, or after having been removed therefrom under the provision of the said clause [4][or (*ii*) who, in contravention of a direction issued under this section, enters any place in the Province] shall be punished with imprisonment for a term which may extend to two years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to fine.]

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[1] Clauses (*iv*) and (*v*) were substituted for the original clauses (*iv*), (*v*), (*vi*) and (*vii*) by Bom. 15 of 1946, s. 2 (*c*).

[2] Sub-sections (*3*) and (*3A*) were substituted for the original sub-section (*3*), *ibid.*, s. 2 (*f*).

[3] These brackets, figure and words were substituted for the word "entering" by Bom. 34 of 1948, s. 3 (*4*) (*d*) (*i*).

[4] These words, brackets and figures were inserted, *ibid.*, s. 3 (*4*) (*d*) (*ii*).

[1][(*4*) Before an order under sub-section (*1*), (*2*) or (*2A*) is passed against any person, the Commissioner of Police or any officer authorised by him not below the rank of a Superintendent shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. If such person makes an application for the examination of any witness produced by him, the Commissioner of Police or such officer shall grant such application and examine such witness, unless for reasons to be recorded in writing, he is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record. Such person shall be entitled to appear before the Commissioner of Police or the said officer by an advocate or attorney for the purpose of explaining the allegations against him and for the purpose of examination of witnesses produced by him.

(*5*) The Commissioner of Police or the officer authorised under sub-section (*4*) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (*1*), (*2*) or (*2A*), exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898. After such person is brought before the Commissioner of Police, the Commissioner may release him on bail with or without sureties or may from time to time authorise his detention in such custody as he thinks fit for a period not exceeding 15 days at a time. V of 1898.

(*6*) Any person aggrieved by an order made by the Commissioner of Police under sub-section (*1*), (*2*) or (*2A*) may appeal to the Provincial Government within thirty days from the date of such order.

(*7*) An order passed by the Commissioner of Police under sub-section (*1*), (*2*) or (*2A*) or by the Provincial Government under sub-section (*6*) shall not be called in question in any Court except on the ground that the Commissioner of Police or the officer authorized by him under sub-section (*4*) had not followed the procedure laid down in the said sub-section or that there was no material before the Commissioner of Police upon which he could have based his order or on the ground that the Commissioner of Police was not of opinion that witnesses were unwilling to come forward to give evidence in the public against the person in respect of whom an order was made under sub-section (*1*).

(*8*) Nothing hereinbefore contained in this section shall require any Police officer to disclose to the person against whom an order is made under sub-section (*1*), (*2*) or (*2A*) or to the Court the sources of his information or any fact the communication of which might, in the opinion of the Commissioner of Police, lead to the disclosure of the identity of any person or property.]

28. [*Power to segregate prostitutes and keepers of brothels.*] *Repealed by Bom. 11 of 1923, s. 13 (i) (b).*

[1] sub-sections (*4*) to (*8*) were inserted by Bom. 14 of 1938, s. 2 (*4*).

Destruction of stray dogs.

29. (*1*) The Commissioner of Police may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice, wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

Provisions as to muzzling or seizure of dogs.

(*2*) The Commissioner of Police may by public notice require that every dog, while in the streets or in any public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without a muzzle in any place beyond the premises of the owner thereof :

Saving as to dogs wearing collars.

Provided that any dog so found, wearing a collar on which an apparently genuine name or address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

Destruction or sale of dogs.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the Commissioner of Police.

Proceeds of sale how disposed of.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall [1][form part of the revenues of the Province].

Recovery of expenses.

(*5*) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (*4*), be recoverable from the owner thereof upon a warrant issued by the Commissioner of Police, as if it were a warrant under section 386 of the Code of Criminal Procedure.

V of 1898.

Destruction of suffering or unfit animals.

[2][**29A.** (*1*) Any police officer who in any street or public place other than a place of worship finds any animal other than bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed :

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal,

[1] These words were substituted for the words "be at the disposal of Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 29A was inserted by Bom. 12 of 1926, s. 2.

or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Pinjrapole within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

Explanation.—For the purpose of this section " bull " does not include " bullock ".

Power to appoint Veterinary Practitioners.

(*2*) The [1][Provincial Government] may appoint such persons as [2][it] thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.]

Commissioner of Police may authorise erection of barriers on streets.

[3][**29B.** The Commissioner of Police may, whenever in his opinion such action is necessary, authorise the Police to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfying themselves that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The Commissioner of Police may also make such orders as he deems fit for regulating the use of such barriers.]

CHAPTER IV.

EXECUTIVE POWERS AND DUTIES OF POLICE.

Duties of Police Officers.

Arrest to prevent cognizable offences.

30. A Police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

31. A Police officer may, of his own authority, interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immovable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Duties of a Police officer.

32. (*1*) It shall be the duty of every Police officer—

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior ;

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[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[2] The word " it " was substituted for the word " he ", *ibid.*

[3] This section was inserted by Bom. 13 of 1941, s. 3, read with Bom. 59 of 1947, s. 2 (*2*).

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable, offences ;

(*c*) to prevent to the best of his ability the commission of public nuisances ;

(*d*) to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason ;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force ;

(*g*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*h*) to take prompt measures to procure necessary help for any person under arrest or in custody who is wounded or sick, and, whilst guarding or conducting any such person, or have due regard to his condition ;

(*i*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*j*) in conducting searches to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*k*) in dealing with women and children to act with strict regard to decency and with reasonable gentleness ;

(*l*) to use his best endeavours—

(*i*) to prevent any loss or damage by fire, and

(*ii*) to avert any accident or danger to the public ;

(*m*) to regulate and control the traffic in the streets, to prevent obstructions therein, and to the best of his ability to prevent the infraction of any rule or order made under this Act or under any other law for the time being in force for observance by the public in or near the streets ;

(*n*) to keep order in the streets, and at and within public bathing, washing and landing places, fairs and all other places of public resort, and in the neighbourhood of places of public worship during the time of public worship;

(*o*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats, and to the best of his ability to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat; and

(*p*) to perform all duties imposed on him by the rules for the time being in force under sections 13 and 22 in the manner and subject to the conditions therein prescribed.

Persons bound to conform to reasonable orders of Police.

(*2*) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officers may restrain or remove contumacious person.

(*3*) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid.

Powers with regard to offences under Act XI of 1890.

[1][32A. (*1*) When in respect of an animal an offence under section 3 or section 5 or sub-section (*1*) of section 6 of the Prevention of Cruelty to Animals Act, 1890[2], hereinafter in this section referred to as the said Act, has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any Police officer may— XI of 1890.

(*a*) take the animal to a Presidency Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the [3][Provincial Government] in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Presidency Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Presidency Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises,

[1] Section 32A was inserted by Bom. 21 of 1936, s. 3.

[2] See Central Acts.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

or other marks of injury as may be found on the body of the animal:

Provided that in cases falling under clause (*b*) or (*d*), the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by [1][the Provincial Government] by general or special order and be there detained until its production before a Presidency Magistrate:

Provided further that an animal so detained shall be produced before a Presidency Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Presidency Magistrate passes an order for its further detention in an infirmary.

(*2*) When an animal is brought before a Presidency Magistrate under clause (*a*) of sub-section (*1*), such Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(*3*) The veterinary officer before whom an animal is brought under clause (*b*) of sub-section (*1*) shall, with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

(*4*) When under sub-section (*1*) a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Presidency Magistrate, or under sub-section (*2*) a Presidency Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply.

(*5*) When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.]

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Powers of Police Officers to arrest without warrant.

When Police may arrest without warrant.

33. Any Police officer may, without an order from a Magistrate and without a warrant, arrest—

(*a*) any person who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned ;

(*b*) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking ;

(*c*) any person who has been proclaimed as an offender either under the Code of Criminal Procedure or by order of [1][the Provincial Government] ; V of 1898.

(*d*) any person who is found having in his possession or conveying anything which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such thing ;

(*e*) any person who obstructs a Police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody ;

(*f*) any person reasonably suspected of being a deserter from His Majesty's Army or Navy, or of belonging to [2][the Royal Indian Navy] and being illegally absent from that service [3][or of having committed an offence punishable under clause (*c*) of section 18] ;

(*g*) any person who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or reasonable suspicion exists, of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is under any law relating to extradition or under the [4]Fugitive Offenders Act, 1881, or otherwise liable to be apprehended or detained in custody in British India. 44 and 45, Vict., c. 69.

(*h*) any released convict committing a breach of any rule made under sub-section (*3*) of section 565 of the Code of Criminal Procedure ; V of 1898.

(*i*) any person committing in his presence any offence punishable under section 112, 115, clause (*e*), (*g*) or (*i*) of section 118, section 119, [5]*, 122, 123, clause (*a*) of section 124, section 126, [6]* [7][clause

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "His Majesty's Royal Indian Marine Service", *ibid.*

[3] These words, figures, letter and brackets were added by Bom. 21 of 1930, s. 4 (*a*).

[4] Collection of Statutes relating to India, Vol. II.

[5] The figures "121" were deleted by Bom. 15 of 1946, s. 3.

[6] The word "or" was deleted by Bom. 9 of 1926, s. 6 (*a*).

[7] This portion was substituted for the original by Bom. 63 of 1948, s. 3 (*2*) (*i*).

(*i*), (*ia*) or (*ii*) of section 127,] in respect of a contravention of a rule made [1][under clause (*b*) of sub-section (*1*) of section 22 prohibiting the [2][occupation of or sale or exposure for sale of any goods on, any street or portion thereof] so as to cause obstruction to traffic or inconvenience to the public, or of any rule made under sub-clause (*iv*) or (*v*) of clause (*f*) of the said sub-section], or of a prohibition given under clause (*a*) or (*b*) of sub-section (*2*) of section 23 [3]* * of this Act or section 3, [4][3A], 4, 5, [5][6 or 6c] of the [6]Prevention of Cruelty to Animals Act, 1890 ;

XI of 1890.

[7][(*j*) any person who has been concerned in an offence punishable under section 111A [8]* * * or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned.]

[9][(*k*) any person who—

(*i*) contravenes a rule made under clause (*gg*) of sub-section (*1*) of section 22 or an order made under section 23 or 27 ; or

(*ii*) commits an offence punishable under section 112 [10][or under clause (*iia*) of section 127].]

Refusal to give name and residence.

34. (*1*) A Police officer may arrest without a warrant any person committing in his presence in any street or public place any other non-cognizable offence punishable under this Act, or under any rule made thereunder, or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses on being required by a Police officer to give his name and address, or gives a name or address which the Police officer has reason to believe false, or

(*iii*) refuses to accompany the Police officer to a station on being required so to do.

Release on bond.

(*2*) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond with or without sureties, to appear before a Magistrate if so required :

Provided that if such person is not resident in [11][the Greater Bombay] the bond shall be secured by a surety or sureties resident in [11][the Greater Bombay].

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[1] These words, figures, letters and brackets were substituted for the words, figures, letter and brackets "under sub-clause (*iv*) or (*v*) of clause (*f*) of sub-section (*1*) of section 22" by Bom. 21 of 1930, s. 4 (*b*).

[2] These words were substituted for the original by Bom. 63 of 1948, s. 3 (*2*) (*ii*).

[3] The words and figures "or under section 128" were deleted by Bom. 34 of 1948, s. 3 (*5*).

[4] The figure and letter "3A" were inserted by Bom. 28 of 1946, s. 6 (*a*).

[5] These figures, word and letter were substituted for the word and figure "or 6", *ibid.*, s. 6 (*b*).

[6] Central Acts.

[7] Clause (*j*) was added by s. 4 of the City of Bombay Police (Amendment) Act, 1917 (Bom. 2 of 1917).

[8] The words, figures and letter "or section 126A" were omitted by Bom. 11 of 1923, s. 13 (*1*) (*d*).

[9] Clause (*k*) was added by Bom. 59 of 1947, s. 4 (*5*).

[10] These words, brackets, figures and letter were added by Bom. 34 of 1948, s. 3 (*5*).

[11] These words were substituted for the word "Bombay" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

Person arrested to be forwarded to Magistrate.

(*3*) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest, or should he fail to execute the bond, or, if so required, to furnish sureties, he shall, subject to the provision of sub-section (*2*) of section 87, forthwith be forwarded to the Presidency Magistrate having jurisdiction.

Other powers of arrest.

35. [1][(*1*) Any Police officer empowered in this behalf by the Commissioner of Police may arrest without warrant for any offence specified in section 120.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 111.

Arrest of vagabonds, habitual robbers, etc.

36. Any officer in charge of a section may, without an order from a Magistrate and without a warrant, arrest or cause to be arrested—

(*a*) any person found within his section taking precautions to conceal his presence within [2][the Greater Bombay], under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence;

(*b*) any person within his section who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself;

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Powers to seize property suspected to be stolen.

37. (*1*) It shall be lawful for any Police officer to seize any property or thing which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

Orders of Commissioner of Police to be taken.

(*2*) Every such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property or thing as he shall think proper.

Enforcement of orders issued under section 23, 24 or 25.

38. Whenever a notification, order in writing or public notice has been duly issued under sub-section (*2*), (*3*) or (*4*) of section 23, or an order has been made under section 24 or 25, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and in case of refusal or disobedience, to arrest such person. Such Magistrate or Police officer may also seize any

[1] This sub-section was inserted by Bom. 9 of 1926, s. 6 (*b*).

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

object or thing used or about to be used in contravention of such notification, order or notice as aforesaid and the thing seized shall be disposed of according to the order of the Chief Presidency Magistrate.

Deputation of a subordinate to arrest without warrant.

39. When any officer in charge of a section requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to such subordinate officer an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made.

Unlawful Assemblies.

Assembly to disperse on command of Magistrate or Police officer.

40. (*1*) Any [1][Magistrate or] officer in charge of a section [2][or any Police officer not below the rank of a sub-inspector authorised in this behalf] may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Use of civil force to disperse.

(*2*) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a section [3][or any Police officer authorised under sub-section (*1*)] may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier or sailor in His Majesty's Army or Navy, or [4][the Royal Indian Navy], or a Volunteer enrolled under the [5]Indian Volunteers Act, 1869, and acting as such for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form it, in order to disperse such assembly or that they may be punished according to law.

Requisition of military or naval aid.

41. If on any emergency the available Police force is not sufficient to disperse an unlawful assembly or to quell a riot or other serious disturbance of the public peace, the Commissioner of Police, or Magistrate of the highest rank who is present, may apply to the officer of highest rank on the spot for military or naval aid for such purpose.

Duty of officer commanding military or naval force required to disperse assembly.

42. (*1*) When the Commissioner of Police or a Magistrate determines to disperse any unlawful assembly by military or naval force, he may require any commissioned or non-commissioned officer in command of any soldiers or sailors in His Majesty's Army or Navy, or [4][the Royal Indian Navy], or of any Volunteers enrolled under the [5]Indian Volunteers Act, 1869, to disperse such assembly by military or naval force, as the

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[1] These words were inserted by s. 2 of the City of Bombay Police (Amendment) Act, 1921 (Bom. 5 of 1921).

[2] These words were inserted by Bom. 59 of 1947, s. 4 (*6*) (*i*).

[3] These words, brackets and figure were inserted, *ibid.*, s. 4 (*6*) (*ii*).

[4] The words "the Royal Indian Navy" were substituted for the words "Royal Indian Marine Service" by the Adaptation of Indian Laws Order in Council.

[5] *See* now the Auxiliary Force Act, 1920 (49 of 1920).

case may be, and to arrest and confine such persons forming part of it as the Commissioner of Police or Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(*2*) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of Commissioned military or naval officers to disperse assembly.

43. When the public security is manifestly endangered by any such assembly, and when neither the Commissioner of Police nor a Magistrate can be communicated with, any commissioned officer of His Majesty's Army or Navy, or [1][the Royal Indian Navy], may disperse such assembly by military or naval force, as the case may be, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with the Commissioner of Police or a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Commissioner of Police or Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under section 40, 41, 42 or 43.

44. No prosecution against any [2][person] for any act purporting to be done under section 40, 41, 42 or 43 of this Act, or under section 42 of the Code of Criminal Procedure, shall be instituted in any Criminal Court, except with the sanction of the [3][Provincial Government]; and V of 1898.

(*a*) no Magistrate or Police officer acting thereunder in [4]good faith,

(*b*) no officer acting under section 43 in [4]good faith,

(*c*) no person doing any act in [4]good faith, in compliance with a requisition under section 40 or 42 of this Act, or under section 42 of the Code of Criminal Procedure, and V of 1898.

(*d*) no inferior officer, or soldier, or sailor, or volunteer, doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

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[1] The words "the Royal Indian Navy" were substituted for the words "Royal Indian Marine Service" by the Adaptation of Indian Laws Order in Council.

[2] The word "person" was substituted for the word "persons" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] As to definition of "good faith" *see* s. 52 of the Indian Penal Code (Act 45 of 1860), Central Acts, and s. 3 (*20*) of the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[1]**145.** (*1*) The Chief Presidency Magistrate may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly. Compensation for injury caused by unlawful assembly how recoverable.

(*2*) The Chief Presidency Magistrate may require—

(*a*) in the City of Bombay, the Municipal Commissioner, the Collector or any other authority,

(*b*) in an area outside the City of Bombay but within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in an area outside the City of Bombay and not within the limits of a municipality, the Collector or any other authority,

to recover either in whole or in part such amount and where the Municipal Commissioner or the Municipality is required to recover such amount an additional sum not exceeding three per cent. of such amount generally from all persons who are inhabitants of any particular area or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the Chief Presidency Magistrate may direct.

(*3*) (*i*) The Chief Presidency Magistrate may require the Municipal Commissioner to recover such amount and the additional sum by an addition to the general tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the Chief Presidency Magistrate may direct. Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 of the City of Bombay Municipal Act, 1888, shall apply to any such addition as if it were part of the general tax levied under the said Act.

Bom. III of 1888.

(*ii*) The Chief Presidency Magistrate may also require the Municipal Commissioner to recover such amount and the additional sum from each person liable therefor under sub-section (*2*) in such manner as he may direct.

(*4*) The Chief Presidency Magistrate may require the municipality outside the City of Bombay to assess and recover such amount and the additional sum by a tax or by a rate which the municipality shall impose and levy from such persons, sections or classes of persons and in such proportions as the Chief Presidency Magistrate may direct. Every tax or rate so imposed and levied shall be recovered by such

[1] Sections 45, 46 and 46A were substituted for the original by Bom. 59 of 1947, s. 4 (7).

municipality from each person liable therefor in the same manner as a municipal tax due by him :

Provided that where a municipality makes default in imposing and levying any such tax or rate or in making any such recovery, the Provincial Government may direct the Collector to impose such tax or rate or to make such recovery.

Every tax or rate imposed and levied by the Collector shall be recoverable by the Collector as if it were an arrear of land revenue due by the person liable therefor.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) Out of the total amount recovered by the Municipal Commissioner or by the municipality under sub-section (*3*) or (*4*), whether before or after the coming into operation of the Bombay District Police and the City of Bombay Police (Amendment) Act, 1947, a sum equivalent to the amount of the compensation shall be paid to the Chief Presidency Magistrate and the balance, if any, shall be credited to the municipal fund constituted under section 111 of the City of Bombay Municipal Act, 1888, or section 51 of the Bombay District Municipal Act, 1901, or section 65 of the Bombay Municipal Boroughs Act, 1925, as the case may be. Such amount shall be paid to the Chief Presidency Magistrate every three months. Bom. LIX of 1947. Bom. III of 1888. Bom. III of 1901. Bom. XVIII of 1925.

(*7*) It shall be lawful for the Chief Presidency Magistrate, by order, to exempt any persons from liability to pay any portion of such compensation.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate to award or apportion compensation.

[1]**46.** (*1*) It shall be lawful for the Chief Presidency Magistrate to award or apportion all or any moneys recovered as compensation under sub-sections (*2*) to (*4*) of section 45 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within [2][45 days] from the date of the loss, damage, death or grievous hurt as aforesaid, in respect of which such claim is made, and unless the Chief Presidency Magistrate is satisfied that the person claiming compensation, or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

[1] Sections 45, 46 and 46A were substituted for the original by Bom. 59 of 1947, s. 4 (*7*).

[2] These figures and word were substituted for the words "one month" by Bom. 34 of 1948, s. 3 (*6*).

(*3*) The compensation payable to any person under section 45 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

[1]**46A.** The Chief Presidency Magistrate shall discharge his functions under sections 45 and 46 subject to any general or special orders of the Provincial Government in this behalf.] Chief Presidency Magistrate to discharge functions under orders of Provincial Government.

Unclaimed Property.

47. (*1*) The Police shall take temporary charge— Police to take charge of unclaimed property.

(*a*) of all unclaimed property found by, or made over to, them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or omits to do so.

(*2*) Property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner of Police.

48. (*1*) If the said property appears to have been left by a person who has died intestate, and not to be under two hundred rupees in value, the Commissioner of Police shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the [2]Administrator General's Act, 1874 or other law for the time being in force. Intestate property under two hundred rupees in value.

(*2*) In any other case the Commissioner of Police shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. Proclamation to be issued by Commissioner of Police.

(*3*) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner of Police and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property. Power to sell perishable property at once.

[1] Sections 45, 46 and 46A were substituted for the original by Bom. 59 of 1947, s. 4 (7).
[2] *See* now the Administrator General's Act, 1913 (3 of 1913), Central Acts.

Delivery of property to person entitled.

49. (*1*) The Commissioner of Police shall, on being satisfied of the title of any claimant to the possession or administration of such property, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(*2*) The Commissioner of Police may, at his discretion, before making any order under sub-section (*1*) take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim to be at disposal of Provincial Government.

(*3*) If no person establishes his claim to such property within such period, it shall be at the disposal of [1][the Provincial Government], and the property, or such part thereof as has not already been sold under sub-section (*3*) of section 48, may be sold by auction under the orders of the Commissioner of Police.

Procedure not affected by Indian Succession Act or Administrator General's Act.

50. Nothing in the [2]Indian Succession Act, 1865, or in the [3]Administrator General's Act, 1874, shall apply to intestate property which is dealt with by the Commissioner of Police under sub-section (*2*) of section 48. X of 1865.

Public Pounds.

Power to establish cattle-pounds and appoint pound-keepers.

51. (*1*) The Commissioner of Police shall from time to time appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds [4][police officers of such rank as may be approved by the [5][Provincial Government].

(*2*) Every pound-keeper so appointed shall in the performance of his duties be subject to the direction and control of the Commissioner of Police, [6]* * * * * *

Impounding of cattle.

52. It shall be the duty of every Police officer, and shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in [7][the Greater Bombay].

Delivery of cattle claimed.

53. (*1*) If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under sub-section (*4*).

Sale of cattle not claimed.

(*2*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under sub-section (*4*) such animal shall be forthwith

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] *See* now Act 39 of 1925, Central Acts.

[3] *See* now the Administrator General's Act, 1913 (3 of 1913), Central Acts.

[4] These words were substituted for the words "such persons and on such emoluments as he deems fit" by Bom. 21 of 1930, s. 5 (*a*).

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "and shall be liable to punishment, suspension and dismissal, as if he were a Police officer under this Act" were omitted by Bom. 21 of 1930, s. 5 (*b*)

[7] These words were substituted for the words "the City" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner of Police appoints in this behalf, that he was the owner of such animal, and shall in any other case [1][form part of the revenues of the Province].

(*3*) No Police officer or pound-keeper shall, directly or indirectly purchase any cattle at a sale under sub-section (*2*).

Fees and expenses.

(*4*) (*a*) The pound-fee chargeable shall be in the case of—

(*i*) every ram, ewe, sheep, lamb, goat or kid, } eight annas,

(*ii*) every other animal, one rupee :

Provided that the [2][Provincial Government] may, by notification in the [3][*Official Gazette*], from time to time alter the pound-fee to be charged in the case of any animal to an amount not exceeding double the pound fee chargeable under the foregoing scale.

(*b*) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner of Police.

Weights and Measures.

Powers as to inspection, search and seizure of false weights and measures.

54. (*1*) Any Police officer generally or specially deputed to that duty by the Commissioner of Police may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(*2*) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(*3*) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are [4][kept under section 9 of the Bombay Weights and Measures Act, 1932] shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

Bom. XV of 1932.

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[1] The words "form part of the revenues of the Province" were substituted for the words "be at the disposal of Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council," *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[4] These words were substituted for the words "provided by the Municipal Commissioner under section 418 of the City of Bombay Municipal Act, 1888", by Bom. 17 of 1945, s. 9 and Schedule E,, read with Bom. 52 of 1947, s. 2, proviso.

Powers of Superior Officers.

Superior officer may himself perform duties imposed on his inferior, etc.

55. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in case of any duty imposed on such subordinate, a superior, when it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Magisterial powers of Commissioner and Deputy Commissioner.

Powers as a Magistrate of Commissioner and Deputy Commissioner of Police.

56. (*1*) The Commissioner, by virtue of his office, and any Deputy Commissioner specially empowered in this behalf by the [1][Provincial Government], shall have all the powers of a Presidency Magistrate under sections 94, 96, 97, 98, 105, 523, 524 and 525 of the [2]Code of Criminal Procedure, and section 25 of the [2]Indian Arms Act, 1878. V of 1898. XI of 1878.

(*2*) Such powers may be exercised for the purposes of any investigation or other proceeding under this Act or the [2]Code of Criminal Procedure. V of 1898.

CHAPTER V.

Information to Police and Power to Investigate.

Information if it relates to a cognizable offence to be recorded.

57. The officer in charge of a section on receiving any information relating to the commission within his section of any cognizable offence shall forthwith reduce into writing in manner prescribed, the statement made by the informant, and the informant shall sign the statement so reduced into writing which shall be kept and recorded in manner prescribed, and the officer shall forthwith enter or cause to be entered the substance of such statement in a book which shall be kept in the prescribed form.

Information in non-cognizable cases.

58. (*1*) When information is given to an officer in charge of a section of the commission within his section of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to a Magistrate.

Investigation of non-cognizable cases.

(*2*) No Police officer shall investigate a non-cognizable case without the order of a Presidency Magistrate.

Powers in investigating such cases.

(*3*) Any Police officer receiving such an order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a section may exercise in a cognizable case.

Investigation in cognizable cases.

59. (*1*) Any officer in charge of a section may, without the order of a Magistrate, and shall, if so ordered, investigate any case in respect of a cognizable offence alleged to have been committed within his section.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] Central Acts.

(2) No proceeding of a Police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. Proceedings not to be called in question.

60. If, from information received or otherwise, an officer in charge of a section has reason to suspect the commission of an offence which he is empowered under section 59 to investigate, he shall forthwith proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender : Procedure where cognizable offence suspected.

Provided that, if the information is given against any person by name, and the offence is not of a serious nature, or if it appears to the officer in charge of a section that there is no sufficient ground for entering on an investigation, he need not proceed in person, or depute a subordinate officer, to make an investigation on the spot ; but he shall in every such case record his reasons for not making, or causing to be made, such an investigation.

61. Any Police officer making an investigation under this Act may— Police-officer's power to require attendance of witnesses.

(*a*) by order in writing, require the attendance before himself of any person being within the limits of [1][the Greater Bombay], who from the information given or otherwise appears to be acquainted with the facts or circumstances of the case, and such person shall attend if so required ; and

(*b*) examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined, and such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

62. (*1*) If in the course of an investigation the Commissioner of Police has reason to believe that a cognizable offence has been committed, he may by order in writing require the attendance before himself or any officer serving under him who is investigating a cognizable offence, of any person then being within the limits of [1][the Greater Bombay] or within thirty miles of such limits, who from the information given or otherwise appears to be acquainted with the facts or circumstances of the case, and such person shall attend as so required. The provisions of clause (*b*) of the last preceding section shall apply to the person so attending. Special powers of Commissioner of Police to require attendance and obtain statements of witnesses.

(*2*) In any case the Commissioner of Police may forward to the Superintendent of Police of the district in which any person from whom any information is required relating to the facts or circumstances of the case under investigation, is believed to be, such questions and such statement as may be necessary for the purpose of obtaining the information desired, and on receipt thereof such Superintendent of Police shall cause such

[1] These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

person to be examined orally and his statement to be reduced into writing in the same manner and subject to the same provisions as if an investigation were being made into such offence in such district, and shall forward the statement reduced into writing to the Commissioner of Police.

Statements to police not to be signed or admitted in evidence.

63. (*1*) No statement made by any person to a Police officer in the course of an investigation under this Act shall, if taken down in writing, be signed by the person making it nor shall such writing be used as evidence :

Provided that, when any witness is called for the prosecution whose statement has been taken down in writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and may then, if the Court thinks it expedient in the interests of justice, direct that the accused be furnished with a copy thereof ; and such statement may be used to impeach the credit of such witness in manner provided by the [1]Indian Evidence Act, 1872. I of 1872.

(*2*) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (*1*), of the [1]Indian Evidence Act, 1872. I of 1872.

No inducement to be offered.

64. (*1*) No Police officer shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in section 24 of the [1]Indian Evidence Act, 1872. I of 1872.

(*2*) But no Police officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Act any statement which he may be disposed to make of his own free will.

Summons to produce document or other thing.

65. (*1*) Whenever an officer in charge of a section considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation under this Chapter, he may issue a summons or written order to any person resident in [2][the Greater Bombay] in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, at such time and place as may be specified therein.

(*2*) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Search by Police officer.

66. (*1*) Whenever an officer making an investigation under this Chapter considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and

(*a*) there is reason to believe that the person in whose possession or power such document or thing is believed to be, will not voluntarily produce the same on being requested so to do by a Police officer, or in compliance with a summons or written order which has been or might be issued under section 65, or

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[1] Central Acts.

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(*b*) such document or other thing is not known to be in the possession of any person,

such officer may search, or cause search to be made, for the same in any place within the limits of [1][the Greater Bombay].

(*2*) Such officer shall, if practicable, conduct the search in person.

(*3*) If he is unable to conduct the search in person and there is no other person competent to make the search, present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made and the place to be searched, and such subordinate officer may thereupon search for such thing in such place.

(*4*) The drovisionsof sections 103 and 104 shall, so far as may be apply to asearch made under this section.

Official records and communications, etc., protected.

67. Nothing in sections 65 and 66 shall be deemed to apply to, or to authorize the issue of a summons to produce or warrant to search for, documents or communications of the nature specified in sections 123 and 124 of the [2]Indian Evidence Act, 1872, or any letter, post-card, telegram or other document, parcel or thing in the custody of the Postal or Telegraph authorities.

I of 1872.

When Police officer may require another to make search.

68. (*1*) An officer in charge of a section may require an officer in charge of another section, and the Commissioner of Police may require an officer in charge of a police station in any part of the Presidency of Bombay beyond [1][the Greater Bombay], to cause a search to be made in any place, in any case in which such officer in charge of a section or the Commissioner might cause such search to be made within [1][the Greater Bombay].

(*2*) Such officer, on being so required, shall proceed in accordance with the provisions of section 66 of this Act or section 165 of the Code of Criminal Procedure, as the case may be, and shall forward the document or thing found, if any, to the officer at whose request the search was made.

V of 1898.

Power to search for persons wrongfully confined.

69. If the Commissioner of Police has reason to believe that any person is confined [3][or detained] under such circumstances that the confinement [3][or detention] amounts to an offence, he may issue a search warrant; and the person to whom such warrant is directed may search for the person indicated in such warrant, in accordance with such directions as may be given therein, and the person, if found, shall be immediately taken before a Presidency Magistrate, who shall make such order as in the circumstances of the case seems proper.

Procedure when investigation cannot be completed.

70. (*1*) Whenever—

(*a*) it appears that any investigation under this Act cannot be completed within the period of twenty-four hours fixed by section 87, and

(*b*) there are grounds for believing that the accusation is well founded,

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] Central Acts.

[3] These words were inserted by s. 5 of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).

the officer in charge of a section shall, subject to the provisions of sub-section (2) of section 87, forthwith forward the person accused to a Presidency Magistrate, together with a report setting forth the substance of the information received and of the evidence adducible in the case.

Order for detention in custody.

(2) The Presidency Magistrate to whom an accused person is forwarded under sub-section (1) may, after considering any information reduced into writing as hereinbefore provided, and examining any witnesses that he may consider necessary, from time to time authorize the detention, in such custody as he thinks fit, of the person accused, for a period not exceeding fifteen days at a time, and shall, if he does so, record his reasons for so doing.

Report of investigation by subordinate Police officer.

71. (1) When any officer subordinate to an officer in charge of a section has made an investigation under this Act, he shall report either orally or in writing the result of his investigation to the officer in charge of the section.

(2) The substance of such report shall be entered in a book which shall be kept, in manner prescribed, by the officer to whom it is made.

Investigation to be promptly completed and report to be prepared and submitted.

72. Every investigation under this Act shall be completed without unnecessary delay, and as soon as it is completed the officer in charge of the section shall prepare a report in the prescribed form setting forth—

(a) the names of the parties,

(b) the nature of the information,

(c) the names of the persons who appear to be acquainted with the circumstances of the case, and

(d) a statement showing whether any person accused in such case has been arrested or has been released on his bond, and, if so, whether with or without sureties.

Release of accused when evidence deficient.

73. (1) If it appears to the officer preparing such report that there is not sufficient or reasonable ground of suspicion to justify the forwarding of any person therein mentioned as accused to a Magistrate, such officer shall—

(a) if such person is in custody, release him on his executing a bond, with or without sureties as such officer may direct, to appear if and when so required before a Magistrate empowered to take cognizance of the offence, and shall

(b) forward the report prepared as aforesaid to the Commissioner of Police together with any weapon or other article which it may be necessary to produce before him.

Further investigation may be ordered.

(2) The Commissioner of Police may in any case direct the officer in charge of the case to make further investigation, or may make such further order as he deems fit.

Order for discharge of bond, when made.

(3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Commissioner of Police shall make such order for the discharge of such bond or otherwise as he shall think fit.

Case to be sent to Magistrate when evidence sufficient.

74. If the officer in charge as aforesaid considers that there is sufficient evidence or reasonable ground of suspicion to justify him in so doing, he shall—

(*a*) forward the accused person to the Presidency Magistrate having jurisdiction, or

(*b*) if the offence is bailable and the accused is able to give security, shall take security from the accused for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed, and

(*c*) shall also send to such Magistrate the report prepared under section 72, and any weapon or other article which it may be necessary to produce before him.

Bond to secure attendance of complainant and witnesses.

75. (*1*) The officer in charge as aforesaid shall also require the complainant, if any, and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence, as the case may be, in the matter of the charge against the accused.

To be sent to Magistrate.

(*2*) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send the original to the Magistrate with his report.

Complainant and witnesses not to be required to accompany Police officer

76. No complainant or witness on his way to the Court of a Magistrate—

(*a*) shall be required to accompany, a Police officer, or

(*b*) shall be subjected to unnecessary restraint or inconvenience, or

(*c*) shall be required to give any security for his appearance other than his own bond :

Provided that if any complainant or witness refuses to attend or to execute a bond as directed in sub-section (*1*) of section 75, the officer in charge of the section may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond or until the hearing of the case is completed.

CHAPTER VI.

PROCEDURE.

Arrest.

Arrest how made.

77. (*1*) In making an arrest the Police officer or other person making the same shall actually touch or confine the body of the person to be arrested unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

(*2*) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police officer or other person may use all means necessary to effect the arrest.

Limit of right of Police officers to use force.

(*3*) Nothing in this section gives a right to cause the death of any person who is not accused of an offence punishable with death or with transportation for life.

Search of place entered by person sought to be arrested.

78. (*1*) If any person acting under a warrant of arrest, or any Police officer having authority to arrest, has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place shall, on demand of such person acting as aforesaid, or of such Police officer, allow him free ingress thereto and afford all reasonable facilities for a search therein.

Procedure when ingress not obtainable.

(*2*) If ingress to such place cannot be obtained under sub-section (*1*), it shall be lawful for a person acting under a warrant in any case, and for a Police officer in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape,

(*a*) to enter such place and search therein, and

(*b*) in order to effect an entrance into such place to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after duly stating his authority and purpose and demanding admittance he cannot otherwise obtain admittance :

Breaking open zenana.

Provided that if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

79. Any Police officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

80. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

81. (*1*) (*a*) Whenever a person is arrested by a Police officer,

(*i*) under a warrant which does not provide for the taking of bail, or

(*ii*) under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail,

and

(*b*) whenever a person is arrested—

(*i*) without a warrant, or

(*ii*) by a private person under a warrant, and cannot be legally admitted to bail or is unable to furnish bail,

the Police officer making the arrest, or when the arrest is made by a private person the police officer to whom he makes over the person arrested, may search such person and place in safe custody all articles other than necessary wearing apparel found upon him.

(2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman and with strict regard to decency. Mode of searching women.

82. Every Police officer or other person making an arrest may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer making the arrest is required to produce the person arrested. Power to seize offensive weapons.

83. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender, and shall, without unnecessary delay, make over any person so arrested to a Police officer and shall accompany, or in the absence of a Police officer take, such person to the nearest station. Arrest by private persons and procedure thereon.

84. Every person arrested, and every person on requisition under sub-section (*1*) of section 34, accompanying a Police officer, shall forthwith be brought before the officer in charge of the section in which the offence alleged against such person appears to have been committed, and the person or officer who made the arrest or the requisition shall inform the said officer in charge of the nature of the offence alleged to have been committed, and of any grounds that may exist for believing it to have been committed. Procedure after arrest.

85. The officer in charge of the section, if he finds— Person arrested when to be discharged etc.

(*a*) that there are no sufficient reasons for believing that the person brought before him has committed any offence, shall record his reasons and forthwith discharge such person ;

(*b*) that there are reasonable grounds for suspecting that such person has committed an offence, but not for suspecting that he has committed a cognizable offence, shall forthwith submit a report containing his reasons to the Commissioner of Police and shall thereafter proceed as that officer directs ;

(*c*) that there are reasonable grounds for suspecting that the person so brought before him has committed a cognizable offence, shall, if such person was arrested under section 83, re-arrest him and shall either himself investigate, or direct some officer subordinate to him to investigate, the facts and circumstances of the case.

86. An officer in charge of a section making an arrest without warrant or detaining in custody or re-arresting a person under section 85, shall, without unnecessary delay and subject to the provisions of sections 88 and 130 and to any other provisions of this Act as to bail, take or send the person arrested before the Presidency Magistrate having jurisdiction in the case. Person arrested to be taken before Magistrate.

87. (*1*) No Police officer shall detain in custody any person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable and necessary and, subject to the provisions of sub-section (*2*), in no case for a period exceeding twenty-four hours except under the special orders of a Presidency Magistrate. Limit to power of detention,

Holidays and time when Court is closed to be excluded.

(2) If the aforesaid period expires on a holiday or at night or any other time when the Court of the Presidency Magistrate having jurisdiction in the case is closed, it shall extend to such further time as will permit of the person arrested being brought before such Magistrate when the Court is next open.

Discharge of person arrested.

88. Save as provided in clause (*a*) of section 85, no person who has been arrested by, or who has on requisition under sub-section (*1*) of section 34 accompanied, a Police officer shall be discharged except—

(*a*) on his own bond, or

(*b*) on bail, or

(*c*) under the special order of the Commissioner of Police or of a Magistrate.

Summons.

Summons how served.

89. (*1*) Every summons shall, if practicable, be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

(*2*) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Service of summons on company.

(*3*) Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation.

Service when person summoned cannot be found.

90. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when receipt cannot be obtained.

91. If service in the manner mentioned in sections 89 and 90 cannot, by the exercise of due diligence, be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Warrant.

Continuance of warrant of arrest.

92. (*1*) Every warrant of arrest issued by a Court shall remain in force until it is cancelled by the Court which issued it or until it is executed.

Security to be taken if directed in warrant.

(*2*) If the Court issuing a warrant for the arrest of any person has endorsed thereon any directions for taking security, the officer to whom the warrant is directed shall comply with such directions, and if such security be given shall release such person from custody, and forward the bond to the Court.

Direction, etc., of warrants.

93. (*1*) When a warrant is directed to more Police officers than one it may be executed by all or by any one or more of them.

Execution of warrant by officer whose name is endorsed.

(*2*) A warrant may be executed by any Police officer whose name is endorsed upon the warrant by the officer to whom it is directed.

Notification of substance of warrant.

94. The Police officer executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Person arrested to be brought before Court without delay.

95. The Police officer executing a warrant of arrest shall, subject to the provisions of sub-section (*2*) of section 92, without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Warrant forwarded from Court outside Bombay.

96. The Commissioner of Police shall endorse his name on any warrant forwarded to him by any Court outside [1][the Greater Bombay] and shall, if practicable, cause it to be executed in manner hereinbefore provided within [1][the Greater Bombay].

Warrant directed to Police officer by Court outside Bombay.

97. (*1*) When a warrant directed to a Police officer by a Court outside [1][the Greater Bombay] is to be executed within [1][the Greater Bombay], he shall ordinarily take it for endorsement to a Police officer not below the rank of Inspector within whose section the warrant is to be executed.

To be endorsed by Inspector, etc.

(*2*) Such Police officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police officer to whom the warrant is directed to execute the same within such division, and the local Police shall, if so required, assist such officer in executing such warrant:

Unless delay will prevent execution.

Provided that whenever there is reason to believe that the delay occasioned by obtaining such endorsement will prevent the execution of the warrant, the Police officer to whom it is directed may execute the same without such endorsement.

Procedure on arrest on such warrants.

98. Any person arrested within [1][the Greater Bombay] under the provisions of section 96 or 97 shall, unless security is taken under sub-section (*2*) of section 92, be taken before a Presidency Magistrate or the Commissioner of Police.

Procedure of Magistrate or Commissioner of Police.

99. (*1*) Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court:

When bail to be taken.

Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner or if such person is ready and willing to give security in pursuance of any direction endorsed on the warrant by the Court which issued the same, such Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

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[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(2) Nothing in this section shall be deemed to prevent a Police officer from taking security under sub-section (2) of section 92.

Search Warrants.

Execution of search warrant.

100. Any person to whom a search warrant is directed by a Court may make a search or inspection in accordance with such directions as may be given therein and with the provisions hereinafter contained.

Disposal of things found on search warrant issued by Court outside Bombay

101. When in the execution of a search warrant issued by a Court outside [1][the Greater Bombay] any of the things for which search is made are found in [1][the Greater Bombay], such things together with the list of the same prepared as hereinafter provided shall be taken to the Presidency Magistrate having jurisdiction at the place where they were so found or to the Commissioner of Police, and, unless there be good reason to the contrary, such Magistrate or Commissioner shall make an order authorizing them to be taken to such Court.

Procedure as in case of warrants.

102. The provisions of sections 92, 93, 94, 96 and 97 shall, so far as may be, apply to all search warrants issued to a Police officer under this Act or under the Code of Criminal Procedure. V of 1898.

Person in charge of closed place to allow search.

103. (1) Whenever any place liable to search or inspection under this Act is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Ingress how to be obtained

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by sub-section (2) of section 78.

Search for articles concealed on person.

(3) When any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched, subject to the provisions of sub-section (2) of section 81 if such person be a woman.

Copy of list to be given to person searched.

(4) When any person is searched under sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person, if he so require.

Search to be made in presence of witnesses.

104. (1) Before making a search under this Act, the officer about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search [2][and may issue an order in writing to them or any of them so to do.]

List of things seized to be made.

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52, of 1947, s. 2, proviso.

[2] These words were added by Bom. 59 of 1947, s. 4 (8) (a).

(*3*) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request. Occupant to be present, and to have copy of list if required.

[1][(*4*) Any person, who without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code.] Refusal or neglect to attend and witness search deemed offence.

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105. The Commissioner of Police may, if he thinks fit, retain in safe custody any document or thing found or produced before him which relates to a matter under investigation or in respect of which there is a reasonable suspicion of the commission of an offence. Documents, etc., may be retained in safe custody.

Bail.

106. When any person, other than a person accused of a non-bailable offence, is arrested or detained without warrant by an officer in charge of a section and is prepared at any time while in custody of such officer to give bail, such person shall be released on bail : Bail to be taken in case of bailable offence.

Provided that such officer, if he thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

107. (*1*) When any person accused of any non-bailable offence is arrested or detained without a warrant, by an officer in charge of a section, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused. When bail may be taken in case of non-bailable offence.

(*2*) If it appears to such officer at any stage of the investigation that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer on the execution by him of a bond without sureties for his appearance as hereinafter provided.

108. Before any person is released under section 106 or 107, a bond for such sum of money as the Police officer thinks sufficient shall be executed by such person, and if he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed by the Police officer or by a Magistrate. Bond of accused and his sureties.

109. (*1*) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released. Discharge from custody.

(*2*) Nothing in this section or in section 106 or 107 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed. Liability to be detained for other offence.

[1] Sub-section (*4*) was added by Bom. 59 of 1947, s. 4 (*8*) (*b*).

Deposit instead of bond.

[1][**109A.** When any person is required by a Police officer to execute a bond, with or without sureties, such officer may permit him to deposit a sum of money or Government promissory notes to such amount as the officer may fix, in lieu of executing such bond.]

Amount of bail not to be excessive.

110. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive, and the High Court may in any case direct that any person be admitted to bail, or that the bail required by a Police officer be reduced.

Procedure on forfeiture of bond.

[2][**110A.** (*1*) Whenever it is proved to the satisfaction of the Court of a Presidency Magistrate that a bond taken under this Act has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(*2*) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(*3*) Such warrant may be executed within [3][the Greater Bombay] and it shall authorize the distress and sale of any moveable property belonging to such person without [3][the Greater Bombay], when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

(*4*) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(*5*) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(*6*) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.]

CHAPTER VII.

Offences and Punishments.

Wilful trespass.

111. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to [4][the Crown] or appropriated to public purposes, or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

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[1] Section 109-A was inserted by Bom. 34 of 1948, s. 3 (7).

[2] This section was inserted by s. 6 of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).

[3] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[4] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[1][111A. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the municipal corporation of the City of Bombay [2][or of any other local authority in the Greater Bombay] or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which, may extend to three months or with fine which may extend to one hundred rupees or with both.] False alarm of fire or damage to fire alarm.

112. Whoever is found between sunset and sunrise— Being found under suspicious circumstances between sunset and sunrise.

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking,

shall be punished with imprisonment for a term which may extend to three months.

113. Whoever not being a soldier or sailor in His Majesty's Army or Navy, or [3][the Royal Indian Navy], or a volunteer enrolled under the [4]Indian Volunteers Act, 1869, and acting as such, or a Police officer, goes armed with any sword, spear, bludgeon, gun, or other offensive weapon in any street or public place, unless by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or weapons so seized shall be forfeited to [5][the Provincial Government], unless redeemed [6][within two months] by payment of such fine not exceeding [7][five hundred rupees] as the Commissioner of Police imposes. Carrying weapon without authority.

114. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees. Possession of property of which no satisfactory account can be given.

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[1] This section was inserted by s. 5 of the City of Bombay Police (Amendment) Act, 1917 (Bom. 2 of 1917.)

[2] These words were inserted by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso,

[3] The words "the Royal Indian Navy" were substituted for the words "Royal Indian Marine Service" by the Adaptation of Indian Laws Order in Council.

[4] *See* now the Auxiliary Force Act, 1920 (49 of 1920).

[5] The words "the Provincial Government", were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "within two onths" were inserted by Bom 21 of 1930, s. 6.

[7] These words were substituted for the words "ten rupees by Bom. 59 of 1947, s. 4 (9).

Taking spirits into public hospitals;

115. Whoever—

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on board vesse s of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to His Majesty in the Port,

shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, and such spirits, liquor, drugs or preparations, and the vessels containing the same, shall be forfeited.

Omission by pawn-brokers, etc., to report possession or tender of property suspected to be stolen.

116. (*1*) Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner of Police to be such a person, and having received from a Police officer written or printed information that the possession of any property is suspected to have been transferred by any offence mentioned in section 410 of the [1]Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in the possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration, or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless—

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(*i*) he forthwith gives information to the Commissioner of Police or at a police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc. of such property.

(*2*) Whoever, having received such information as aforesaid, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the [1]Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

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[1] Central Acts.

Taking pledge from child.

117. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall be punished with fine which may extend to one hundred rupees.

118. Whoever in any street or public place—

Cleaning furniture or animal.

(*a*) cleans any article of furniture, or any vehicle, or grooms any animal,

Repairing vehicles.

(*b*) except at such times and places as are permitted by the Commissioner of Police, makes, or save in case of an accident, rendering repair on the spot unavoidable, repairs, any part of any vehicle,

Taking animal or vehicle on footpath.

(*c*) rides, drives, leads, propels or places on any footpath any animal or any vehicle other than a perambulator,

Training and breaking horses.

(*d*) except at such times and places as the Commissioner of Police permits, trains or breaks any horse,

Setting a dog to attack persons or animals.

(*e*) sets on or urges a dog or other animal to attack, worry or put in fear any person or animal,

Letting horses loose, and suffering, ferocious dogs to be at large, etc.

(*f*) negligently lets loose any horse or other animal so as to cause danger, injury, alarm or annoyance, or suffers any ferocious dog to be at large without a muzzle,

Obstruction, damage, etc. by animals.

(*g*) causes obstruction, damage or injury by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any cattle or animal,

Obstructing bathing.

(*h*) obstructs or incommodes a person bathing at a place at which bathing is permitted, either by wilful intrusion or by improper use of such place, or

Frightening persons, horses, etc., by flying a kite.

(*i*) flies a kite so as to cause danger, injury or alarm to persons, horses or property,

shall be punished with fine which may extend to fifty rupees.

Lighting bonfire, burning straw, discharging firearms, etc., in or near street or public place.

119. Whoever in or near any street or public place—

(*a*) sets fire to or burns any straw or other matter,

(*b*) lights a bonfire, or

(*c*) lets off or throws a firework,

and whoever in or within two hundred yards of any street or public place,

(*d*) wantonly discharges a firearm or air gun, or

(*e*) sends up a fire balloon or rocket,

except at such times and places as the Commissioner of Police from time to time permits, shall, in any case falling under clause (*d*) or (*e*) of this section, be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and in any other case be punished with fine which may extend to fifty rupees.

Indecent exposure of person.

120. Whoever in any street or public place or place of public resort, or within sight of, and in such manner as to be seen [1]* * from, any street or public place, whether from within any house or building or not,—

(*a*) [2]* * * * * * *

(*b*) [3]* * * * * * *

*[4] wilfully and indecently exposes his person,

shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

121. [*Begging and exposure of offensive ailments.*] *Repealed by Bom. 23 of 1945, s. 34 (1) (ii), read with Bom. 53 of 1947, s. 2.*

Drunkenness or riotous or disorderly behaviour in street, etc.

122. Whoever in any street or public place or place of public resort—

(*a*) [5]* * * *

(*b*) behaves in a riotous, indecent or disorderly manner, or

Provoking breach of the peace.

(*c*) uses any threatening, abusive, insulting or obscene words or gestures, whereby a breach of the peace or public nuisance may be occasioned,

shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

122A. [*Punishment for being drunk and for disorderly behaviour.*] *Repealed by Bom. 25 of 1949, s. 148 and Sch. II.*

Disorderly conduct in Court and Police offices.

123. Whoever in any Court or Police station or office behaves in a violent, disorderly or indecent manner, shall be punished with fine which may extend to fifty rupees.

Disregard of notice in public building.

[6][**123A.** Whoever in any Court, Police station, Police office, building occupied by [7][the Central or the Provincial Government] or building occupied by any public body smokes or spits in contravention of a notice previously approved by the [8][Provincial Government] and affixed to such Court, station, office or building, shall be punished with fine which may extend to fifty rupees.]

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[1] The words " or heard " were repealed by Bom. 21 of 1930, s. 7.
[2] Clause (*a*) was repealed by Bom. 11 of 1923, s. 13 (*f*).
[3] Clause (*b*) was repealed, *ibid.*
[4] The letter and brackets " (*c*) " were repealed, *ibid.*
[5] clause (*a*) was deleted by Bom. 59 of 1947, s. 4 (*10*).
[6] This section was inserted by s. 7 of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).
[7] The words " the Central or the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.
[8] The words " Provincial Government " were substituted for the words " Governor in Council ", *ibid.*

Committing nuisance in or near street, etc.

124. Whoever in or near to any street, public place or place of public resort—

(*a*) commits a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffers such child to commit a nuisance as aforesaid,

shall be punished with fine which may extend to fifty rupees.

Permission of disorderly conduct in places of public amusement, etc.

125. Whoever, being the keeper of any place of public amusement or entertainment, knowingly—

[1]* permits drunkenness or other disorderly behaviour, or any gaming whatsoever, in such place, [2]*

(*b*) [3]* * * *

shall be punished with fine which may extend to one hundred rupees.

Cheating at games.

126. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the [4]Indian Penal Code, and be liable to punishment accordingly.

XLV of 1860.

126A. [*Unlawful detention for purpose of prostitution.*] *Repealed by Bom. 11 of 1923, s. 13 (1) (h).*

Contravention of rules and orders.

127. Whoever—

(*a*) contravenes any rule made under section 22 or any order or prohibition lawfully given under sub-section (*3*) of section 22, [5][section 23 or section 23A], or

(*b*) disobeys or fails to conform to any lawful and reasonable direction given by any Police officer in conformity with this Act or with any rule made thereunder, or

(*c*) opposes or disobeys or fails to conform to any direction notified by the Commissioner of Police under section 27, or abets opposition to or disobedience of any such direction,

shall,—

(*i*) for any contravention of a rule made under section 22, if the rule contravened be one made under clause (*a*), [6]* or (*c*), or under sub-clause (*i*) [7][(*ii*) or (*iia*)] of clause (*f*), be punished with fine which may

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[1] The letter and brackets " (*a*) " were deleted by Bom. 11 of 1928, First Schedule.

[2] The word " or " was deleted by Bom. 11 of 1923, s. 13 (*1*) (*g*).

[3] Clause (*b*) was repealed, *ibid.*

[4] Central Acts.

[5] These words, figures and letter were substituted for the words and figures " or under section 23 " by Bom. 34 of 1948, s. 3 (*8*) (*i*)

[6] The brackets and letter " (*b*) " was deleted by Bom. 63 of 1948, s. 3 (*3*) (*i*).

[7] These brackets, figures, word and letter were substituted for the word, brackets and figures " or (*ii*) " by Bom. 344 of 1948, s. 3 (*8*) (*ii*).

extend to fifty rupees, [1]* if it be one made under clause (*d*) or (*e*) or under sub-clause (*iii*), (*iv*) or (*v*) of clause (*f*), be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, or with both, [2][and if it be one made under clause (*gg*) be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both] ;

[3](*ia*) for any contravention of a rule made under clause (*b*) of section 22,—

(*a*) if the rule contravened prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public, be punished—

(*i*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*ii*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ; and

(*b*) if the rule contravened is any other rule, be punished with fine which may extend to fifty rupees ;

[4][(*ii*) for any contravention of a prohibition given under sub-section (*2*) or (*3*) of section 23 or an order made under sub-section (*1*) of section 24 or 25, or in any case falling under clause (*c*) of this section be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine ;] [5]*

[6][(*iia*) for any contravention of an order made under section 23A, be punishable with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both ;]

(*iii*) in any other case, be punished with fine which may extend to one hundred rupees.

128. [*Unauthorised return after removal from Bombay.*] *Repealed by Bom. 15 of 1946, s. 5.*

129. [*Prostitute, etc., not complying with notice.*] *Repealed by Bom. 11 of 1923, s. 13 (1) (g).*

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[1] The word " and " was deleted by Bom. 59 of 1947, s. 4 (*12*) (*i*).

[2] These words were added, *ibid.*, s. 4 (*12*) (*ii*).

[3] This clause was inserted by Bom. 63 of 1948, s. 3 (*3*) (*ii*).

[4] Clause (*ii*) was substituted for the original by Bom. 15 of 1946, s. 4.

[5] The word " and " was deleted by Bom. 34 of 1948, s. 3 (*8*) (*iii*).

[6] Clause (*iia*) was inserted *ibid.*, s. 3 (*8*) (*iv*).

Prosecution for certain offences to be discretionary.

130. It shall not be incumbent on the Commissioner of Police, or any Superintendent specially authorized in writing in that behalf by the Commissioner, to prosecute for any offence punishable under sub-section (*3*) of section 10, section 118, 119, 122, [1][or 127], save in obedience to a rule or order made by the [2][Provincial Government] or when such offence has occasioned serious mischief.

Prosecution for offences under other enactments.

131. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act, or from being prosecuted and punished under this Act, for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure.

V of 1898.

CHAPTER VIII.

MISCELLANEOUS.

Disposal of fees, rewards, etc.

132. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to [3][any local authority], be credited to [4][the Provincial Government]:

Provided that, with the sanction of the [5][Provincial Government], or under any rule made by the [5][Provincial Government] in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

Method of proving orders and notifications.

133. Any order or notification published or issued by the [5][Provincial Government] or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the [6][*Official Gazette*,] or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

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[1] The word and figures "or 127" were substituted for the word, letter and figures "126-A, 127 or 128" by Bom. 11 of 1923, s. 13 (*1*) (*k*).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the words "the Municipality" by Bom. 17 of 1945, s. 9, and Sch. E, read with Bom. 52 of 1947, s. 2 proviso.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council."

[5] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[6] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Rules and orders not invalidated by defect of form or irregularity in procedure.

134. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or publication or any irregularity of procedure.

Application by person interested to annul, etc. rule or order.

135. (*1*) In the case of any rule or order made by the [1][Provincial Government] under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the [1][Provincial Government] by a memorial addressed to a Secretary to [2][the Provincial Government], to annul, reverse or alter such rule or order on the ground of its being unlawful, oppressive or unreasonable.

When a suit will lie to declare order unlawful.

(*2*) If such an application has been wholly or in part rejected or if after the lapse of four months no answer thereto or decision thereon has been received from or published by the [1][Provincial Government], it shall be competent to the person interested to institute a suit against [2][the Provincial Government] for a declaration that such rule or order is unlawful either wholly or in part. Any such rule or order finally adjudged to be unlawful shall be annulled or reversed or so altered as to make it conformable to law.

Licences and written permissions to specify conditions, etc., and to be signed.

136. (*1*) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the Commissioner of Police; and such fee shall be charged therefor as is prescribed by any rule under this act on that behalf.

Revocation of licences, etc.

(*2*) Any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner of Police, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

[3][For the purpose of this sub-section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be conviction of, the person to whom such licence or written permission has been granted.]

When licence revoked, etc., grantee to be deemed without licence.

(*3*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] This portion was added by Bom. 59 of 1947, s. 4 (*13*).

(*4*) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a Police officer. Grantee to produce licence, etc., when required.

137. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of the Commissioner of Police, and shall be published in the locality to be affected thereby, affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drum, or by advertising the same in such local newspapers, English or Vernacular, as the Commissioner of Police may deem fit, or by any two or more of these means and by any other means he may think suitable. Public notices how to be given.

138. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner of Police or of any other Police officer, a written document signed by the Commissioner of Police or by such officer purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof. Consent, etc., of Commissioner of Police may be proved by writing under his signature.

139. Every licence, written permission, notice, or other document, not being a summons or warrant, or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner of Police, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon. Signature on notices, etc., may be stamped.

140. (*1*) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in [1][good faith] in pursuance or intended pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder. Magistrate or Police officer not liable to penalty or damages for act done in good faith in discharge of duty.

(*2*) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the [2][Provincial Government] or by a person empowered in that behalf under this Act or any rule made thereunder. Nor public servants, etc., for giving effect in good faith to rule, etc., issued with apparent authority.

(*3*) In any case of an alleged offence by a Magistrate, Police officer or other person or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong, if committed or done, was of the character aforesaid the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than three months after the date of the act complained of. Prosecutions or suits for acts done under colour of duty barred after three months.

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[1] As to definition of "good faith" *see* s. 52 of the Indian Penal Code (Act 45 of 1860), Central Acts and s. 3 (20) of the Bombay General Clauses Act, 1904 (Bom. I of 1904), *infra*.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Suits in certain cases to be dismissed.

(*4*) The plaint in any such suit shall be rejected if it does not expressly allege that the act complained of was done maliciously and without reasonable or probable cause ; and any such suit shall be dismissed if, in the case of an action for damages, tender of sufficient amends shall have been made before the suit was brought, or a sufficient sum of money is paid into Court, with costs, by or on behalf of the defendant, after the institution of the suit.

SCHEDULE A.

Enactments repealed. [vide *section 2 (1)*.]

Year.	No.	Subject or Title.	Extent of repeal.
1856 ..	XIII	An Act for regulating the Police of the Towns of Calcutta, Madras and Bombay.	So far as it affects the Town of Bombay so much as has not been repealed.
1860 ..	XLVIII	An Act to amend Act XIII of 1856.	So far as it affects the Town of Bombay so much as has not been repealed.
1898 ..	V	The Code of Criminal Procedure.	In sub-section (*2*) of sections 54, 55, 56 and 127 and in sub-section (*4*) of section 84 *the letter* "s" *in the word* "Towns" *and the words* "and Bombay".
			The whole of Chapter IX so far as it applies to the Town of Bombay.
			Sub-section (*2*) of section 83, and sections 85, 86 and 155 so far as they apply to the Police in the Town of Bombay.

SCHEDULE B.

Certificate to be received by Police officers appointed by the Commissioner of Police [vide *section 8 (1)*.]

A. B. has been appointed by the Commissioner of Police for [1][the Greater Bombay] to the Police of [1][the Greater Bombay] and is vested with the powers, functions and privileges of a Police officer, under the City of Bombay Police Act, 1902.

Commissioner of Police.

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2 proviso.